



NEWS RELEASE

Wisconsin Department of Natural Resources
101 S Webster, P.O. Box 7921, Madison, WI 53707
Phone: (608) 266-6790 TDD: (608) 267-6897
dnr.wi.gov www.wisconsin.gov

DATE: Released in the May 17, 2005 DNR News

CONTACT: Toni Herkert - (608) 266-0161 or Todd Ambs (608) 264-6278

SUBJECT: Revised shoreland standards increase flexibility for landowners
Proposed revisions released, on NRB agenda May 25

MADISON -- The state is releasing a draft proposal that updates 35-year-old rules governing waterfront development and reflects two years of citizen advisory committee meetings, eight listening sessions and thousands of public comments.

The proposal is being sent this week to people signed up for regular notices of the rule writing effort and will be available online. The Natural Resources Board, at its May 25 meeting in Black River Falls, will consider authorizing public hearings on the proposal to gather more citizen feedback before a final version is brought to the board for adoption.

"This is another opportunity for the public to have input in what the rule will look like," says Todd Ambs, top water official for the Department of Natural Resources. "We're a long way from considering the rule finalized.

Ambs says the proposal gives landowners significantly more flexibility on their waterfront but upholds the state's Constitutional responsibility to protect the lakes and rivers that belong to all Wisconsin citizens.

It outlines changes to Chapter NR 115 of the Wisconsin Administrative Code, which generally sets statewide minimum standards in unincorporated areas for lot sizes, how far buildings need to be set back from the water, limits on cutting trees and plants, and other rules intended to protect water quality, fish and wildlife habitat, and natural scenic beauty. The proposal represents the sixth individual draft DNR has developed in response to advisory committee and public comments.

Under this proposal, requirements for minimum lot sizes for single family homes and the building "setback" of 75 feet would remain the same. Setbacks are the distance that homes and other buildings must be set back from the ordinary high water mark.

But the proposal departs from the current NR 115 on some major provisions. Where the current rule limits alterations, additions or major repairs to 50 percent of the structure's current equalized assessed value over the life of the structure, the proposal eliminates that 50 percent rule.

It significantly increases flexibility on repairing, rebuilding, and even expanding existing structures that are closer to the water than the current setback requirement.

"Under our proposal, people can maintain a nonconforming structure indefinitely," says Toni Herkert, the shoreland staff member leading the rulewriting effort. "They will be able to tear it down and rebuild it in the same footprint if they are within 35 feet of the ordinary high water mark. In some instances, beyond 35 feet, they will be able to tear down and expand their structure."

But property owners making major changes to a nonconforming structure would be required to take steps to mitigate or offset the impact of their actions on clean water and habitat in the portion of their property right next to the water, she says.

That area is called the primary buffer, and it's the most critical area for providing habitat and clean water, Herkert says. "We're really trying to target that area to stay in a more natural state and free of structures, with a few exceptions."

When owners of nonconforming structures start a building project that requires a building permit or some other county permit, they would be required to take actions to mitigate the potential impacts of their project on the primary buffer.

They would have to restore native vegetation within the 35-foot primary buffer; get their septic system inspected and upgraded if necessary; develop an erosion control plan, and control for the impact of the hard or "impervious" surfaces on their property that contributes to runoff. They may also be required to remove accessory structures within the 35 foot primary buffer that don't have an exemption.

"All of these practices help us do our job in protecting the natural resources for all Wisconsin citizens to enjoy," Herkert says.

The net result of the proposed changes to NR 115 is that over time, more primary buffers will be restored with native plants and trees that can do a better job of filtering pollution and providing habitat, Herkert says.

To view the draft proposal, and all of the other materials that the advisory committee and DNR have reviewed and developed since starting the revision process in fall 2002, go to the DNR Web site: <<http://dnr.wi.gov>>, and use the drop down topic menu and select "shoreland management."